

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BOARD OF TRUSTEES of the PLUMBERS)	
LOCAL UNION NO. 93 U.A.;)	
BOARD OF TRUSTEES of the PLUMBERS)	CIVIL ACTION
LOCAL UNION NO. 93 U.A. RETIREMENT)	
ACCOUNT FUND;)	
BOARD OF TRUSTEES of the PLUMBERS)	NO: 08 CV 3672
LOCAL UNION NO. 93 U.A. PENSION FUND;)	
BOARD OF TRUSTEES of the PLUMBERS)	
LOCAL UNION NO. 93 U.A. HEALTH AND)	JUDGE: LEFKOW
WELFARE FUND;)	
BOARD OF TRUSTEES of the JOINT)	
APPRENTICESHIP COMMITTEE FUND of the)	MAGISTRATE
PLUMBING & HEATING INDUSTRY OF LAKE)	JUDGE: SCHENKIER
AND McHENRY COUNTIES; and)	
The INDUSTRY ADVANCEMENT FUND;)	
)	
Plaintiffs,)	
)	
vs.)	
)	
MANNION PLUMBING, INC.,)	
an Illinois Corporation,)	
)	
Defendant.)	

MOTION FOR DEFAULT JUDGMENT

Now come Plaintiffs, the BOARD OF TRUSTEES of the PLUMBERS LOCAL UNION NO. 93 U.A., *et al.*, by and through their attorneys, JOHNSON & KROL, LLC, and moves this Honorable Court for entry of Default Judgment in favor of Plaintiffs and against Defendant MANNION PLUMBING, INC., ("MANNION") pursuant to Rule 55(b) of the Federal Rules of Civil Procedure and in support thereof, states as follows:

1. On June 26, 2008, Plaintiffs filed their Initial Complaint in the above-captioned matter.
2. On July 8, 2008, copies of the Summons and Complaint were served upon Defendant MANNION via corporate service by leaving a true and correct copy of said documents

with Tim Smith, an employee of MANNION.

3. The Defendant did not file an Answer or otherwise respond to the Complaint within 20 days of July 8, 2008, the date the Defendant was served with the Summons and Complaint (Fed. R. Civ. P. 12(a)(3)).
4. On July 29, 2008, Plaintiffs motioned this Court for Entry of Default Judgment due to the Defendant's failure to Answer or otherwise respond to the Complaint within 20 days of service of the Summons and Complaint.
5. On July 31, 2008, this Court denied Plaintiffs' Default Motion without prejudice on the grounds that service had not been properly effectuated upon Defendant MANNION.
6. Based on this Court's ruling, Plaintiffs reserved Defendant MANNION with the Summons and Complaint, via corporate service on August 8, 2008, by leaving a true and correct copy of said documents with Elda Mannion, the registered Agent for service for Defendant MANNION. (Affidavit of Service attached as Exhibit 1)
7. The Defendant again failed to file an Answer or otherwise respond to the Complaint within 20 days of August 8, 2008 the date the Defendant was served with the Summons and Complaint.
8. This case involves the Defendant's failure to submit Contribution Reports, contributions, and wage deductions to the Plaintiffs, as required by the terms of the Collective Bargaining Agreement and Trust Agreements to which the Defendant is bound.
9. Pursuant to the provisions of the Collective Bargaining Agreements, the Defendant MANNION is required to make monthly reports of hours worked by Covered Employees ("Contribution Reports") and pay contributions to the TRUST FUNDS and the INDUSTRY FUND for each hour worked at the rate specified in the Collective

Bargaining Agreement and the Trust Agreements.

10. The amount of contributions and wage deductions due and owing to the Plaintiffs is determined by the number of hours worked by covered employees under the Collective Bargaining Agreement and Trust Agreements.
11. Defendant MANNION has failed to submit the required contribution payments for the months of September, October, November and December of 2007, as well as January of 2008, totaling approximately \$15,722.56.
12. MANNION has further failed to submit Contribution Reports or the associated contribution payments for the months of April, May, June and July of 2008.
13. As a result of MANNION'S failure to submit contribution payments in a timely manner, liquidated damages and interest charges have accrued for the period of March of 2007 through March of 2008 in the amount of \$3,559.06 and for the month of April, May, June and July of 2008 in an unknown amount.
14. Defendant MANNION owes the UNION, the INDUSTRY FUND, and the TRUST FUNDS approximately \$19,281.62, which represents known contributions, working dues, liquidated damages and interest charges, plus whatever amounts are shown to be due and owing for the months of April, May, June, and July of 2008.
15. The Court may render a Default Judgment against a party who has not filed a responsive pleading or otherwise defended the suit. (Fed. R. Civ. P. 55(a)(b)(2)).
16. A draft Default Judgment Order is attached hereto as Exhibit 2.

WHEREFORE, Plaintiffs respectfully request this Honorable Court enter Default Judgment in favor of Plaintiffs and against the Defendant MANNION in the amount of \$19,281.62 and further order Defendant MANNION to submit Contribution Reports and payments for the

months of April, May, June and July of 2008 within 10 days of being served with the Court's Order.

Respectfully submitted,

JOHNSON & KROL, LLC

By: /s/ William P. Callinan - 6292500
One of Plaintiffs' Attorneys

William P. Callinan
ATTORNEY FOR PLAINTIFFS
Johnson & Krol, LLC
208 South LaSalle Street, Suite 1602
Chicago, Illinois 60604
(312) 372-8587

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

BOARD OF TRUSTEES OF THE PLUMBERS LOCAL NO. 93 U.A.

PLAINTIFF(S)

vs.

MANNION PLUMBING, INC.

DEFENDANT(S)

COURT DATE:

Case No.
08 CV 3672

SERVICE DOCUMENTS:
SUMMONS & COMPLAINT

The undersigned, being first duly sworn, on oath deposes and says: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

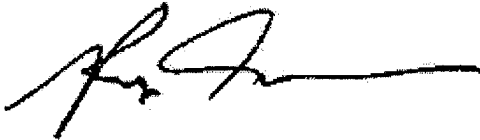
On **Aug 08, 2008**, at **7:11 PM**, I served the above described documents upon **MANNION PLUMBING, INC.** as shown below:

CORPORATE SERVICE was made by leaving a true and correct copy of the documents with **ELDA MANNION / REGISTERED AGENT**, an officer, managing agent or authorized agent of the within named company.

Said service was effected at **801 MEADOWLARK LANE, GLENVIEW, IL 60025.**

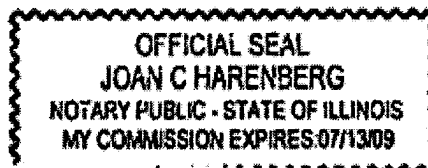
DESCRIPTION: Gender: **F** Race: **HISPANIC** Age: **45** Hgt: **5'5"** Wgt: **150** Hair: **BLACK** Glasses: **NO**

I declare under penalties of perjury that the information contained herein is true and correct.



Ryan Flaska, Lic #: 117-001119
Judicial Attorney Services, Inc.
2100 Manchester Rd., Ste 900
Wheaton, IL 60187
(630) 221-9007

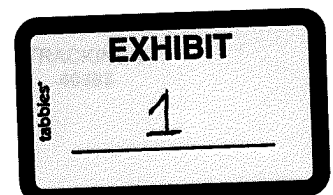
SUBSCRIBED AND SWORN to before me this 11th day of August, 2008



NOTARY PUBLIC

CLIENT NAME:
Johnson & Krol, LLC*
FILE #:

ORIGINAL PROOF OF SERVICE



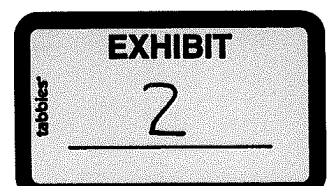
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Plaintiffs,)	
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vs.)	
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MANNION PLUMBING, INC.,)	
an Illinois Corporation,)	
)	
Defendant.)	

DEFAULT JUDGMENT ORDER

Default Judgment is hereby entered in favor of Plaintiffs and against Defendant MANNION PLUMBING, INC., ("MANNION") as follows:

1. Default Judgment is entered in favor of Plaintiffs and against Defendant MANNION in the amount of \$19,281.62;
2. Defendant MANNION is ordered to pay to Plaintiffs all known unpaid contributions for the period of September of 2007 through January of 2008 in the amount of \$15,722.56;
3. Defendant MANNION is ordered to pay to Plaintiffs all unpaid liquidated damages and interest charges that accrued for the period of March of 2007 through March of 2008 in



the amount of \$3,559.06

4. Defendant MANNION is ordered to submit to Plaintiffs missing Contribution Reports for the months of April, May, June, and July of 2008 within 10 days from the date MANNION is served with this Order;
5. Defendant MANNION is ordered to pay to Plaintiffs whatever contributions, liquidated damages, interest and UNION dues are found to be due and owing for the months of April, May, June, and July of 2008, in addition to the amounts referred to in paragraphs 1 through 3 above;
6. Defendant MANNION is ordered to pay to Plaintiffs reasonable attorney's fees and costs incurred by the Plaintiffs pursuant to the Collective Bargaining Agreement, Trust Agreements and 29 U.S.C. § 1132 (g)(2)(D);
7. That the Plaintiffs have such other relief as the Court may deem just and equitable all at Defendant's cost, pursuant to 29 U.S.C. § 1132(g)(2)(E).

ORDERED BY:

HONORABLE JUDGE LEFKOW

Dated: _____